

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

ALFRED A. JOHNSON SR.,	:	Case No. 1:24-cv-174
	:	
Plaintiff,	:	Judge Michael R. Barrett
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
OFC. T. MANNS, <i>et. al.</i> ,	:	
	:	
Defendants.	:	

REPORT AND RECOMMENDATION

This civil rights case was opened on the Court’s docket on March 25, 2024. On June 10, 2024, after concluding that Plaintiff was subject to the “three strikes” provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g), this Court denied Plaintiff’s applications to proceed *in forma pauperis* and ordered him to pay the full filing fee within thirty days. (ECF No. 13, PageID 94). The filing fee was due by July 10, 2024. To date, however, it has not been paid.

“District courts have the inherent power to sua sponte dismiss civil actions for want of prosecution [in order to] to manage their own affairs [and] achieve the orderly and expeditious disposition of cases.” *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962); *see also Jourdan v. Jabe*, 951 F.2d 108, 109 (6th Cir. 1991). Failure to comply with a court order warrants invocation of this inherent power. *See* Fed. R. Civ. P. 41(b). Here, the Court specifically warned Plaintiff “that if he fails to timely pay the full filing fee as directed, this case will be dismissed with prejudice.” (ECF No. 13, PageID 94). Accordingly, because the fee was not timely paid, the undersigned **RECOMMENDS** that the Court **DISMISS** the case.

The undersigned also **RECOMMENDS** that the Court **CERTIFY** that an appeal of any order adopting this Report and Recommendation would not be taken in good faith and

accordingly **DENY** Plaintiff leave to appeal *in forma pauperis*. See 28 U.S.C. § 1915(a)(3); *McGore v. Wigglesworth*, 114 F.3d 601 (6th Cir. 1997).

Plaintiff may file Objections to these recommendations as outlined below. He is reminded that he must keep this Court informed of his current address, and promptly file a Notice of New Address if he is released or transferred.

IT IS SO RECOMMENDED.

July 29, 2024

/s/ Caroline H. Gentry
CAROLINE H. GENTRY
UNITED STATES MAGISTRATE JUDGE

Notice Regarding Objections to this Report and Recommendations

If any party objects to this Report and Recommendations (“R&R”), the party may serve and file specific, written objections to it **within fourteen days** after being served with a copy thereof. Fed. R. Civ. P. 72(b). All objections shall specify the portion(s) of the R&R objected to and shall be accompanied by a memorandum of law in support of the objections. The Court may extend the fourteen-day objections period if a timely motion for an extension of time is filed.

A District Judge of this Court will make a de novo determination of those portions of the R&R to which objection is made. Upon proper objection, a District Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the R&R will result in a waiver of the right to have the District Judge review the R&R de novo, and will also operate as a waiver of the right to appeal the decision of the District Court adopting the R&R. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).